

FROM NIXON VANDERHYTE PC

(FRI) 10:27:00 10:37/ST. 36/NO. 4860565790 P 4

DECLARATION AND POWER OF ATTORNEY FOR REISSUE APPLICATION

I, Lawrence A. Lynn, declare that my residence, Post Office address and citizenship are as respectively stated below and that I verily believe that I am the original, first and sole inventor of the invention entitled "LUER-RECEIVING MEDICAL VALVE AND FLUID TRANSFER METHOD" described and claimed in Letters Patent No. 5,549,651 issued on August 27, 1996 from application No. 08/248,626, filed May 25, 1994, described and claimed in the reissue application no. 09/140,413 filed on August 26, 1998, and now allowed, and described and claimed in the attached continuation Reissue Application.

My invention as disclosed and claimed in the '646 application and in the '651 patent issued thereon relates to a valve structure in which a piston having a slit is compressed so as to induce the slit to open so that fluid may pass. More particularly, I have proposed a structure wherein pressure is applied to a portion of a piston, that is a compressive force is applied, so that due to the elastic behavior of the elastomeric piston, an opening of the slit will be induced.

After allowance of and after payment of the Issue Fee in my first Reissue Application No 09/140,413, I had occasion to again review my specification and the claims presented in that Reissue application. At that time, I discovered that whereas my disclosure details the characteristic of my invention that the piston and housing are sized and configured such that movement of the piston out of a distal position induces a flow of fluid out of a space adjacent the piston, in particular in a direction opposite to the direction of movement of the piston, that unique characteristic is not claimed in any of the claims presented in the original patent nor in the claims presented and allowed in my first Reissue application.

To correct the foregoing error, this reissue application adds independent claim 24 and dependent claims 25-28 to my '651 patent and its reissue. Specifically, new independent claim 24 details the foregoing unique characteristic of my disclosed piston and housing in subparagraph (e). Support for this feature of the invention may be found throughout the original specification and in particular in column 2 of my patent,

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lines 48-65 and more specifically lines 56-65. Support for this feature may also be found in column 6, lines 21-26, of my patent.

The errors corrected by this reissue application occurred without any deceptive intent whatsoever.

I hereby state that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendments specifically referred to above. I further acknowledge the duty to disclose to the United States Patent and Trademark Office all information which is known to be material to patentability as defined in 37 C.F.R. §1.56.

My U.S. Letters Patent No. 5,549,651 was surrendered to the U.S. Patent Office on January 28, 2000 to obtain allowance of my copending reissue application No. 09/140,413.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M.

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Inventor's Signature: *Lawrence A. LYNN* Date: 10/27/00
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FROM NIXON VANDERHYE PC

(FRI) 10.27.00 13:38/S 37/NO. 4261594226 P 2

OMB No. 0851-0011 (12/31/88)

Applicant or Patentee: LYNN

Attorney's Dkt. No. 1131-62

Serial or Patent No.: unknown

Filed or Issued: Herewith

For: LUER RECEIVING MEDICAL VALVE AND FLUID TRANSFER METHOD

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS [37.19(f) and 1.27(c)] - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

LUER RECEIVING MEDICAL VALVE AND FLUID TRANSFER METHOD

described in

- ☒ the specification filed herewith.
☐ application Serial No. unknown, filed Herewith
☐ patent No. , issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization
☐ persons, concerns or organizations listed below

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name

Address

- ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name

Address

- ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name

Address

- ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Lawrence A. LYNN

NAME OF INVENTOR

NAME OF INVENTOR

NAME OF INVENTOR

Signature

Signature

Signature

DATE

DATE

DATE

Form PTO-FB-A410 (8-83)

#470275 v1 - 1131-62 small entity

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